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WESTERN HERITAGE INSURANCE COMPANY
9

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 MICHAEL PAUL HAGGERTY,
13 Plaintiff,

14 vs.

15 WESTERN HERITAGE INSURANCE
COMPANY, an Arizona Corporation; DOES I
16 through X; and ROE CORPORATIONS I
through X, inclusive,
17

18 Defendants.
19

CASE NO. 2:17-cv-03078-JAD-GWF

STIPULATION AND ~~PROPOSED~~ ORDER
TO STAY PROCEEDINGS PENDING
OUTCOME OF BINDING ARBITRATION

20 Plaintiff MICHAEL PAUL HAGGERTY, by and through his counsel of record, JOSEPH A.
21 GUTIERREZ, ESQ., and STEVEN G. KNAUSS, ESQ., of the law firm MAIER GUTIERREZ &
22 ASSOCIATES, and Defendant WESTERN HERITAGE INSURANCE COMPANY, by and through its
23 attorneys of record, STEVEN T. JAFFE, ESQ., and WALTER F. FICK, ESQ., of the law firm HALL
24 JAFFE & CLAYTON, LLP, hereby **STIPULATE AND AGREE** as follows:


- 25 1. The Parties have negotiated and agreed to a binding arbitration agreement, which
26 provides that the arbitration shall be the sole and final adjudication and resolution of this
27 matter.

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- 1 2. The Parties have agreed to execute a separate stipulation and order to dismiss with
2 prejudice Plaintiff's extra-contractual claims (Plaintiff's Second Claim for Relief for
3 Breach of Covenant of Good Faith and Fair Dealing, and Plaintiff's Third Claim for
4 Relief for Unfair Practices in Settling Claim).
- 5 3. The Parties have further agreed that this Court should retain jurisdiction for purposes of
6 entering a final dismissal of the lawsuit, upon the completion of the arbitration.
- 7 4. The parties have agreed that upon the completion of the arbitration hearing, confirmation
8 of the arbitration award, and satisfaction of any arbitration award, Plaintiff shall execute a
9 receipt, a release and indemnity agreement, and a stipulation and order for dismissal with
10 prejudice for submission to this Court.
- 11 5. Based upon the foregoing, the Parties agree and request that further proceedings in this
12 case should be stayed pending the outcome of the binding arbitration.
- 13 6. This request is based upon a showing of good cause, and is not made for purposes of
14 needlessly delaying these proceedings. *See* LR IA 6-1. Rather, it is made in a good faith
15 attempt to conserve party and judicial resources while the parties await a resolution of
16 their dispute through binding arbitration. *Cf.* Fed. R. Civ. P. 1.

17
18 DATED this 13th day of September, 2018.

19 MAIER GUTIERREZ & ASSOCIATES

20
21 By: 
22 JOSEPH A. GUTIERREZ, ESQ.
23 Nevada Bar No. 9046
24 STEVEN G. KNAUSS, ESQ.
25 Nevada Bar No. 12242
26 8816 Spanish Ridge Avenue
27 Las Vegas, Nevada 89148
28 Attorneys for Plaintiff

DATED this 16th day of September, 2018.

HALL JAFFE & CLAYTON, LLP

By: /s/ Walter F. Fick
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Attorneys for Defendant

ORDER TO STAY

Pursuant to the foregoing Stipulation, and good cause appearing therefore,

IT IS HEREBY ORDERED that all proceedings are **STAYED**, pending the outcome of the Parties' binding arbitration.

DATED this 21st day of September, 2018.


UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

HALL JAFFE & CLAYTON, LLP

By: /s/ Walter F. Fick

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